

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 15-9975 MRW	Date	February 6, 2017
Title	Breyman v. Canon Solutions America		

Present: The Honorable	Michael R. Wilner
Veronica Piper	n/a
Deputy Clerk	Court Reporter / Recorder
Attorneys Present for Petitioner:	Attorneys Present for Respondent:
None present	None present

Proceedings: ORDER DISMISSING ACTION WITH PREJUDICE

1. Plaintiff filed a court form (CV-09) indicating that this action is now settled. (Docket # 39.) The form requests a dismissal under Federal Rule of Civil Procedure 41(a). According to the CM/ECF filing data, the request is that the dismissal be with prejudice.

2. Rule 41(a) allows a plaintiff to voluntarily dismiss an action without court involvement before the defense has answered the complaint. However, after that, an order of the court (or a stipulation signed by all parties) is required to dismiss an action. Fed. R. Civ. P. 41(a)(1)(A)(i-ii).

3. Based on the status of this action, a court order is required. Rather than have the parties incur the cost of re-submitting the request, the Court sua sponte construes Plaintiff's filing as an unopposed motion to dismiss the action with prejudice. And that motion is GRANTED. The action is hereby dismissed. The Clerk is directed to close the action.